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In the

Supreme Court of the United States

OCTOBER TERM, 1962

No. 495

INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO, *et al.*,

Petitioners,

v.

CENTRAL AIRLINES, INC.,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE SECOND SUPREME JUDICIAL DISTRICT OF TEXAS

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PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE SECOND SUPREME JUDICIAL DISTRICT OF TEXAS

The International Association of Machinists, AFL-CIO, Russell H. O'Hara, J. D. Dossey, Donald E. Reaves, William N. Pratt, Alton C. Gillespie, Travis Underwood, Charles Harris, Herbert P. Pratt, Wilburn C. Meriweather, G. A. Garland, P. L. Seaborn, Ralph V. Harriss, Donald L. Acridge, George E. Neal, Jr., R. B. Williams, Sidney L. Boyer, Charles Zink, Benjamin A. Bryan, Faye Anderson, George W. Smith, Jr., Andrew Raliegh, C. L. Steele, Johnnie L. Owen, Harry R. Bradley, Albert Brauer, James F. Judge, Horace L. Green, W. C. Woods, M. C. Russell, Clayton T.

Phillips, Louis K. Griffin, Brady O. White, Gerald F. Heffley, Robert W. Hartnitt, M. E. Favor, George W. Wilson, N. G. Trimmer, Elmer L. Miles, Paul M. Stevens, Elmer L. Shoaf, Donald H. Cecil, Fred W. Rhea, Clair A. Bearer, W. W. Bowles, J. D. Anderson, Tommie Mitchner, E. F. Allmond, Carlos E. Casas, Bobby G. Donley, Tommy A. Purnell, Henry E. Cleveland, Clay Williams, Jr., Robert Williams, Bill J. Guthrie, Jack L. Curtis, R. L. Allgood, Kenneth M. Fuqua, John A. Shaffer, Aldon M. Sellers, Charles Florin, and Frank G. Harvey, respectfully pray that a writ of certiorari issue to review the judgment of the Court of Civil Appeals for the Second Supreme Judicial District of Texas, entered in the above case on February 23, 1962.

OPINIONS BELOW

The Opinion of the Court below, and the Concurring Opinion of Associate Justice Thomas J. Renfro, are printed in Appendix A hereto, *infra*, pp. 1a-18a. They are reported at *355 S. W. 2d 803, 49 LRRM 3007*, and *44 CCH LC ¶17,459*.

JURISDICTION

The decision of the Court of Civil Appeals of Texas was rendered on February 23, 1962. Motion for rehearing was denied by said Court on April 13, 1962. An application for writ of error was filed in said Court on May 14, 1962, and in the Supreme Court of Texas on May 17, 1962. Said application was refused without opinion on July 11, 1962. (Copy of order denying said application is printed in Appendix B hereto, p. 19a.)

The denial of writ of error by the Supreme Court of Texas on July 11, 1962, made effective the decision of the Court of Civil Appeals as a final judgment rendered by the highest court of the state of Texas in which a decision could be had.

The jurisdiction of this Court rests upon *28 U.S.C. § 1257*. The decision of the State Court below may be reviewed by writ of certiorari under *28 U.S.C. § 1257(3)*.

QUESTIONS PRESENTED

1. Whether, under the Railway Labor Act and the collective bargaining contract in effect, a strike protesting denial of union representation is a strike arising over a "minor dispute" and therefore illegal.

2. Whether an air carrier violates the Railway Labor Act by withdrawing its members from a System Board of Adjustment, thus temporarily disestablishing such board, and whether discharged employees and the certified union representative, because of consequent inability to exhaust System Board remedies, thereby waive right to obtain judicial redress for the carrier's violation of the collective bargaining agreement and the Railway Labor Act.

STATUTES INVOLVED

The pertinent provisions of the *Railway Labor Act (44 Stat. L. 577, as amended; 45 U.S.C. §§151-163, 181-188)*, the *Labor Management Relations Act of 1947, as amended (61 Stat. 136, 29 U.S.C. §141 et seq)*, and the *Norris-LaGuardia Act (47 Stat. 70, 29 U.S.C. §§101-115)* are set forth in Appendix C, *infra*, p. 21a.